

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 12, 2018

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JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 12, 2018

The Senate met in regular session at 9:01 a.m., President Schneider presiding.

Prayer was offered by Victoria Daniels, secretary to Senator Bisignano.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Greer Simmons.

The Journal of Wednesday, April 11, 2018, was approved.

RECESS

On motion of Senator Whitver, the Senate recessed at 9:04 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:11 a.m., President Schneider presiding.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate Resolution 117](#).

Senate Resolution 117

On motion of Senator Costello, [Senate Resolution 117](#), a resolution for celebrating and recognizing the many accomplishments of Dr. Peggy Whitson, with report of committee recommending passage, was taken up for consideration.

Senator Costello moved the adoption of [Senate Resolution 117](#), which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Costello introduced to the Senate chamber NASA astronaut, Dr. Peggy Whitson.

Dr. Whitson addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 118](#), a resolution for deferring action on the confirmation of certain appointments submitted by the Governor.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Whitver, Schneider, Petersen, Behn, Chapman, Dvorsky, Feenstra, Jochum, Ragan, Sinclair, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate Resolution 118](#).

Senate Resolution 118

On motion of Senator Whitver, [Senate Resolution 118](#), a resolution for deferring action on the confirmation of certain appointments submitted by the Governor, with report of committee recommending passage, was taken up for consideration.

Senator Whitver moved the adoption of [Senate Resolution 118](#), which motion prevailed by a voice vote.

The Senate stood at ease at 9:48 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:25 a.m., President Schneider presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bisignano, until he arrives, on request of Senator Petersen; and Senators Bertrand and Zumbach, until they arrive, on request of Senator Whitver.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Whitver called up the following eligible appointees on the En Bloc Confirmation Calendar:

Pam Kracht, Criminal and Juvenile Justice Planning Advisory Council

Dr. Jonathan Crosbie, Healthy and Well Kids in Iowa (Hawk-I) Board

Kathy Pearson, State Judicial Nominating Commission

Suresh Basnet, Commission of Asian and Pacific Islander Affairs

Senator Whitver moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 45:

Allen	Dawson	Johnson, C.	Rozenboom
Behn	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shipley
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith

Carlin	Guth	Mathis	Whitver
Chapman	Hart	McCoy	Zaun
Chelgren	Hogg	Petersen	
Costello	Horn	Quirnbach	
Danielson	Jochum	Ragan	

Nays, 1:

Taylor

Absent, 3:

Bertrand	Bisignano	Zumbach
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Vacant, 1.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

[House File 2442](#)

Senator Whitver called up for consideration [House File 2442](#), a bill for an act providing for brain injury policies for certain extracurricular interscholastic activities, and including applicability provisions, amended by the Senate and further amended by the House in House amendment [S-5235](#) to Senate amendment [H-8363](#), filed April 11, 2018.

Senator Sinclair moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Sinclair moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2442](#)), the vote was:

Yeas, 46:

Allen	Dawson	Johnson, C.	Rozenboom
Behn	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shiple
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Taylor
Chapman	Hart	McCoy	Whitver
Chelgren	Hogg	Petersen	Zaun
Costello	Horn	Quirmbach	
Danielson	Jochum	Ragan	

Nays, none.

Absent, 3:

Bertrand	Bisignano	Zumbach
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Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate File 2396](#).

[Senate File 2396](#)

On motion of Senator Dawson, [Senate File 2396](#), a bill for an act establishing a lake Manawa state park user fee pilot program and providing for a future repeal, was taken up for consideration.

Senator Dawson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2396](#)), the vote was:

Yeas, 44:

Allen	Dawson	Johnson, C.	Ragan
Behn	Dotzler	Johnson, D.	Rozenboom
Boulton	Edler	Kapucian	Schneider
Bowman	Feenstra	Kinney	Schultz
Breitbart	Garrett	Kraayenbrink	Segebart
Brown	Greene	Lofgren	Shipley
Carlin	Guth	Lykam	Sinclair
Chapman	Hart	Mathis	Smith
Chelgren	Hogg	McCoy	Taylor
Costello	Horn	Petersen	Whitver
Danielson	Jochum	Quirmbach	Zaun

Nays, 2:

Bolkcom	Dvorsky
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Absent, 3:

Bertrand	Bisignano	Zumbach
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Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate Joint Resolution 2011](#).

[Senate Joint Resolution 2011](#)

On motion of Senator Breitbart, [Senate Joint Resolution 2011](#), a joint resolution authorizing the temporary sale of merchandise at a toy benefit for Iowa children on the state capitol complex grounds, was taken up for consideration.

Senator Breitbart moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the resolution was read the last time.

[Senate Joint Resolution 2011](#), a joint resolution authorizing the temporary sale of merchandise at a toy benefit for Iowa children on the state capitol complex grounds. WHEREAS, A Brotherhood Aimed Towards Education (ABATE) of Iowa District 4 holds a motorcycle rally toy run in October of each year to collect toys for Iowa children; and WHEREAS, all donations from this toy run benefit Iowa children; and WHEREAS, ABATE of Iowa wishes to sell commemorative t-shirts, sweatshirts, lapel pins, and patches for the further benefit of Iowa children and to defray the costs of a police escort; and WHEREAS, ABATE of Iowa District 4 plans to hold a toy run on or around October 14, 2018; and WHEREAS, because 11 IAC 100.4(4) and 11 IAC 100.5(2) prohibit sales to state employees or to the public on the state capitol complex grounds without prior approval, ABATE of Iowa District 4 may not be permitted to sell commemorative t-shirts, sweatshirts, lapel pins, and patches for the benefit of Iowa children during its toy run; NOW THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: Section 1. Notwithstanding the prior approval requirements of 11 IAC 100.4(4) and 11 IAC 100.5(2), the department of administrative services shall permit ABATE of Iowa District 4 to sell commemorative t-shirts, sweatshirts, lapel pins, and patches on the state capitol complex grounds during the toy run held on or around October 14, 2018, provided that ABATE of Iowa District 4 shall first provide the department of administrative services with a copy of an Iowa sales tax permit for the location of the sales, or proof of application for such a permit.

On the question “Shall the resolution be adopted?” ([S.J.R. 2011](#)), the vote was:

Yeas, 46:

Allen	Dawson	Johnson, C.	Rozenboom
Behn	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shipley
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Taylor
Chapman	Hart	McCoy	Whitver
Chelgren	Hogg	Petersen	Zaun
Costello	Horn	Quirmbach	
Danielson	Jochum	Ragan	

Nays, none.

Absent, 3:

Bertrand Bisignano Zumbach

Vacant, 1.

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Whitver asked and received unanimous consent that [Senate Joint Resolution 2011](#), [Senate File 2396](#), and [House File 2442](#) be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Whitver called up the appointment of David Langkamp as a member of the Board of Mortuary Science, placed on the Individual Confirmation Calendar on February 26, 2018, found on page 446 of the Senate Journal.

Senator Brown moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

Allen	Danielson	Jochum	Ragan
Behn	Dawson	Johnson, C.	Rozenboom
Bisignano	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shiple
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Whitver
Chapman	Hart	McCoy	Zaun
Chelgren	Hogg	Petersen	
Costello	Horn	Quirnbach	

Nays, 1:

Taylor

Absent, 2:

Bertrand Zumbach

Vacant, 1.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Whitver called up the appointment of Mike Cormack as a member of the Public Employment Relations Board, placed on the Individual Confirmation Calendar on April 2, 2018, found on page 845 of the Senate Journal.

Senator Schultz moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 27:

Behn	Dawson	Johnson, D.	Segebart
Breitbach	Edler	Kapucian	Shiple
Brown	Feenstra	Kraayenbrink	Sinclair
Carlin	Garrett	Lofgren	Smith
Chapman	Greene	Rozenboom	Whitver
Chelgren	Guth	Schneider	Zaun
Costello	Johnson, C.	Schultz	

Nays, 20:

Allen	Danielson	Horn	McCoy
Bisignano	Dotzler	Jochum	Petersen
Bolkcom	Dvorsky	Kinney	Quirmbach
Boulton	Hart	Lykam	Ragan
Bowman	Hogg	Mathis	Taylor

Absent, 2:

Bertrand Zumbach

Vacant, 1.

The appointee, having failed to receive a two-thirds vote, was declared to have not been confirmed by the Senate.

Senator Whitver called up the appointment of Pennie Gonseth Cheers as a member of the State Racing and Gaming Commission, placed on the Individual Confirmation Calendar on March 28, 2018, found on page 816 of the Senate Journal.

Senator Smith moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

Allen	Danielson	Jochum	Ragan
Behn	Dawson	Johnson, C.	Rozenboom
Bisignano	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shipley
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Whitver
Chapman	Hart	McCoy	Zaun
Chelgren	Hogg	Petersen	
Costello	Horn	Quirmbach	

Nays, 1:

Taylor

Absent, 2:

Bertrand Zumbach

Vacant, 1.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Whitver called up the appointment of Thomas Carnahan as a member of the Commission on the Status of Women, placed on the Individual Confirmation Calendar on April 3, 2018, found on page 860 of the Senate Journal.

Senator Smith moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

Allen	Danielson	Jochum	Ragan
Behn	Dawson	Johnson, C.	Rozenboom
Bisignano	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shipley
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Whitver
Chapman	Hart	McCoy	Zaun
Chelgren	Hogg	Petersen	
Costello	Horn	Quirmbach	

Nays, 1:

Taylor

Absent, 2:

Bertrand Zumbach

Vacant, 1.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [House File 648](#).

[House File 648](#)

On motion of Senator Rozenboom, [House File 648](#), a bill for an act relating to career and technical education programs and partnerships and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Chelgren withdrew amendment [S-5241](#), filed by him from the floor to pages 1 and 2 and amending the title page of the bill.

Senator Rozenboom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 648](#)), the vote was:

Yeas, 47:

Allen	Danielson	Jochum	Ragan
Behn	Dawson	Johnson, C.	Rozenboom
Bisignano	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shipley
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Taylor
Chapman	Hart	McCoy	Whitver
Chelgren	Hogg	Petersen	Zaun
Costello	Horn	Quirmbach	

Nays, none.

Absent, 2:

Bertrand	Zumbach
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Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Whitver asked and received unanimous consent that [House File 648](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Whitver, the Senate adjourned at 1:07 p.m. until 1:00 p.m., Monday, April 16, 2018.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF HUMAN SERVICES

Nursing Facilities Private Room Supplementation Report, pursuant to Iowa Code section 249A.4. Report received on April 12, 2018.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Peggy Whitson, Mount Ayr—For her record breaking accomplishments in space and for being an inspiration and role model for all Iowans. Senator Costello.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: Thursday, April 12, 2018, 9:05 a.m.

Members Present: Whitver, Chair; Schneider, Vice Chair; Petersen, Ranking Member; Behn, Chapman, Dvorsky, Feenstra, Jochum, Ragan, Sinclair, and Smith.

Members Absent: None.

Committee Business: Approved [SR 118](#).

Adjourned: 9:10 a.m.

WITHDRAWAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on April 12, 2018:

I am withdrawing the name of Katie Lott to serve as a member of the Early Childhood Iowa State Board from further consideration by the Senate.

I am withdrawing the name of Robert Brownell to serve as a member of the Council on Human Services from further consideration by the Senate.

Sincerely,
KIM REYNOLDS
Governor

GOVERNOR'S DEFERRAL LETTERS

The following letters from the Governor were received in the office of the Secretary of the Senate on April 12, 2018:

Pursuant to Iowa Code section 2.32, please accept this letter as the notice of deferment of the appointment to the Early Childhood Iowa State Board, formerly held by Katie Lott. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 2.32, please accept this letter as the notice of deferment of the appointment to the Council on Human Services, formerly held by Robert Brownell. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,
KIM REYNOLDS
Governor

AMENDMENT FILED

S-5241 H.F. 648 Mark Chelgren